



February 15, 2017

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Via Electronic Filing

Marlene Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

**Re: Notice of *Ex Parte* Communication with
Matthew Berry, Chief of Staff, and Alison Nemeth, Acting Legal Advisor, to
Chairman Ajit Pai
MB Docket No. 13-249 (Revitalization of the AM Radio Service)**

Dear Ms. Dortch:

The following meeting summary is submitted pursuant to 47 C.F.R. Section 1.1206(b)(1).

On February 14, 2017, Jessica Marventano, Senior Vice President, Government Affairs, iHeartCommunications, Inc. (together with iHeartMedia + Entertainment, Inc., “iHeart”), and Dan Dukes, Senior Director, Government Affairs, iHeart, met with Matthew Berry, Chief of Staff, and Alison Nemeth, Acting Legal Advisor, to Chairman Ajit Pai.

Ms. Marventano and Mr. Dukes sought a status check on broadcasting items in general. During the meeting, the status of the AM Revitalization proceeding, MB Docket No. 13-249, was addressed in light of the public release of a draft Second Report and Order in such proceeding proposing the adoption of revisions to the siting rule for FM fill-in translators rebroadcasting an AM broadcast station. iHeart reiterated its concerns regarding any proposals that would add interference into the AM band, consistent with the views expressed in the filings of The AM Radio Preservation Alliance (the “Alliance”). Ms. Marventano and Mr. Dukes provided a copy of an article published in RadioWorld on May 11, 2016, summarizing the positions of the Alliance in the AM Revitalization proceeding (copy attached).

Marlene Dortch, Secretary
February 15, 2017
Page 2

Respectfully submitted,

REPP LAW FIRM

By: 
Marissa G. Repp

Counsel to iHeartCommunications, Inc.

Attachment

cc: Matthew Berry (via e-mail)
Alison Nemeth (via e-mail)



Alliance Engineers: First Do No Harm

by Jeff Littlejohn, Milford Smith & E. Glynn Walden

05.11.2016

The AM Radio Preservation Alliance in April told the FCC that some of its AM revitalization proposals would be a “potentially irreversible step toward extinction” for most licensees on the band. Given the importance of the topic, Radio World invited the alliance to summarize its arguments for our readers.

The alliance consists of Alpha Media, Bonneville, CBS, Cox, Cumulus, Entercom, Family Stations, Grand Ole Opry (WSM), Greater Media, Hearst, Hubbard, iHeartMedia, NRG, Scripps, Townsquare, Tyler Media and Tribune. The commentary was written by iHeartMedia Executive Vice President of Engineering & Systems Jeff Littlejohn; Greater Media Vice President of Radio Engineering Milford Smith; and E. Glynn Walden, CBS retired.

Radio World publishes and covers various industry viewpoints; we welcome comments to the email address at the end of the article.

Last October, the Federal Communications Commission adopted a number of important and broadly supported modifications to its AM radio rules, acting on a longstanding promise to help strengthen the long-struggling AM band. As broadcast engineers with over 125 years of combined experience in AM radio and as participants in the FCC’s AM Revitalization proceeding, we appreciated how the commission’s October Report and Order successfully balanced the need to allow AM stations to overcome newer economic challenges while preserving the unique qualities that have made AM radio a pillar of American broadcasting and emergency communications for nearly a century.

Unfortunately, in its Further Notice of Proposed Rulemaking in its AM Radio Revitalization proceeding, the FCC is poised to undo the good it achieved in its October 2015 Order. If adopted, the FCC’s proposed reductions in interference protections for AM radio stations ultimately will disrupt the listening experience and expectations of millions of consumers, especially in rural America and on tribal lands, risk impairment of the Emergency Alert System essential to informing listeners in times of national emergency, and relegate AM radio — once a thriving communications resource for all Americans — to the place where nobody goes. In short, it’s the exact opposite of what the FCC originally set out to do.

Incredibly enough, the essence of the FCC’s latest proposals in this proceeding is to allow increased *interference* to stations across the entire AM radio band. Unfortunately, their proposals do not stem from any revolutionary technological developments — or changes in the laws of physics. Nor are they supported by any independent testing or real-world engineering studies that would show AM radio would somehow be better off

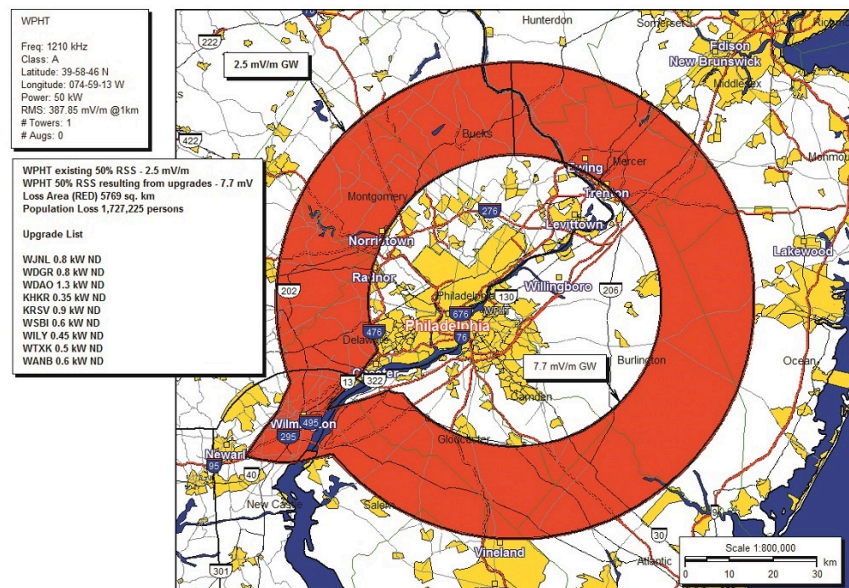
with these changes. In fact, based on analyses of an alliance of AM radio owners and engineers, the potential harm to all AM stations — and the resulting disenfranchisement of their listeners — would more than eclipse any benefits the commission has already achieved, leaving the AM band far worse off than if the FCC had never initiated its “AM revitalization” proceeding in the first place.

HARM TO CLASS A AM STATIONS AND THEIR LOYAL LISTENERS

Reduced Nighttime Protections Harms Distant and Local Listeners — Under the FCC’s proposal, Class A AM stations would lose all skywave interference protections, as if somehow the physics of AM signal propagation can somehow be changed by regulatory fiat. Losing these protections means that during nighttime hours, when skywave propagation enables AM signals to reach listeners over great distances, established listeners will experience huge losses. While the casual reader may think that this impact is only to distance listening, the added energy to the AM band would also have a massive impact on listeners within the station’s core market coverage area.

Case in point: An impact study for WPHT in Philadelphia shows that the interference level to the station would be triple the current levels, resulting in lost coverage to over 1.7 million people — not in some distant area, but well within metro Philly commuting distances such as Trenton, N.J., and Wilmington, Del. (see Fig. 1)

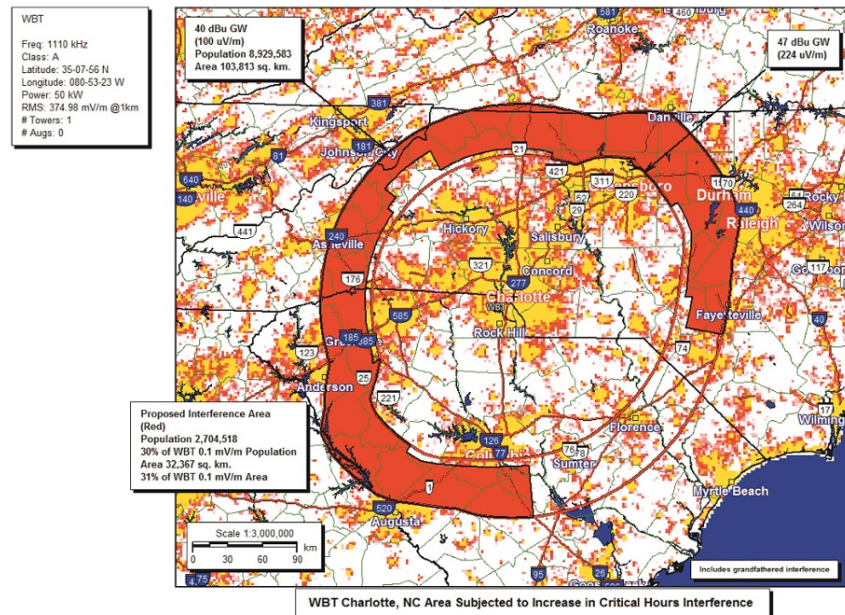
Fig. 1 - According to the authors, an impact study for WPHT(AM) in Philadelphia shows that the interference level to the station would be triple the current levels, resulting in lost coverage to over 1.7 million people — “not in some distant area, but well within metro Philly commuting distances, such as Trenton and Wilmington.”



Eliminating Critical Hours Protections Would Degrade AM Signals During Drive-Time!

— The FCC also proposes to eliminate Class A AM stations' Critical Hours interference protections (the two hours after sunrise and two hours before sunset), again ignoring the laws of physics as they apply to AM radio propagation characteristics.

Fig. 2 - Map showing the impact on WBT(AM) in Charlotte, indicating a loss area of over 30 percent of currently protected populations and areas.



The foreseeable consequences of the FCC's proposed interference protection reductions are clear: The interference-free coverage of Class A

AM radio stations — long relied upon by an amazing cross section of Americans, ranging from listeners residing in rural America to truck drivers bringing their products to market across the nation, devoted sports fans listening to their favorite teams, and business and recreational travelers who want to stay connected — would be eliminated by these proposals. Without Critical Hours protection for Class A AM stations, listeners will experience markedly increased interference during the hours they are most likely to be tuning in — peak commuting times when Americans turn to their car radios to literally and figuratively navigate their daily lives. Such interference will not be limited to areas far from radio stations; it will adversely impact stations' core market areas as well.

HARM TO CLASS B, C AND D AM STATIONS AND LISTENERS

While the alliance began as a way to study the consequences of the proposed changes to protections on Class A AM stations, we quickly realized the severe, if unintended, consequences of the FCC's proposals to also reduce in-market interference protections for Class B, C and D stations.

In fact, although the reduced interference protections for Class B, C and D AM stations might yield some temporary benefits for some stations that will be able to increase power (albeit at a very significant cost for both new equipment and in substantially increased utility bills), the resultant co-channel and adjacent-channel interference increases will harm vastly more Class B, C and D radio stations and their listeners. By our calculations, for every one listener who gains access to a new channel, more than

two would suffer new interference to existing stations. However unintended, this proposal cannot help but initiate an AM interference arms race.

“Interference Arms Race” Will Lead to Mutually Assured Destruction for All AM Stations — Imagine this scenario as an AM station owner: The proposed rules go into effect, allowing your station to increase power and reach more listeners, and you decide to take advantage of them. You invest hundreds of thousands of dollars into upgrading your station, and each month thereafter swallow hard and pay the monthly utility bill (which could be up to 10 times what it used to be). But your coverage is improved and you seem to be getting traction in the marketplace. All is going according to plan.

The problem is that you’re now causing a lot of interference to all of your AM neighbors, so they decide to do the same thing. They invest, they upgrade, they increase power — and now they are all interfering with your station. At the end of this scenario, you and all of your competitors have all managed to spend enormous sums to upgrade your stations, but each of you is now receiving even more interference than before. Your listeners, fed up with AM interference, tune out.

That’s bad enough, but consider what happens if your station can’t make the necessary investments to upgrade, but your competitors on the dial do upgrade. Here’s what happens: Your coverage shrinks, your listening audience shrinks and your ratings tank. Revenue fares no better, and you’re no longer able to secure the best programming. If ever there were a formula for a downward spiral of AM radio and its listenership, this is it.

Another case in point: The alliance studied this scenario for WONE(AM) near Dayton, Ohio. WONE is able to achieve a substantial upgrade from 5 kW to 45 kW by adding a tower, changing out its transmitter and upsizing all of its phasing equipment. This is likely a \$400–500K project that will take over a year to complete, and while additional coverage will be achieved, the station’s utility bill will increase to nine times what it was. But 12 of WONE’s neighbors also can upgrade power, some more, some less. The cost of these upgrades and the associated utility bills vary according to the amount of the power increase, but it should be very clear that a lot of money is being invested by each of the stations involved. However, the end result for WONE is that the interference it causes to others has increased by 2,300 percent — from 195K to 4.6 million people — and the interference it receives from others has increased over 500 percent — from 300K to over 1.6 million people. The consultants, equipment manufacturers and utility companies all get rich, but the station is one step closer to extinction.

IMPACT ON EMERGENCY ALERTING

If interference were only about impacts on stations, that would be one thing, but the FCC’s proposal to reduce or eliminate protections for Class A AM stations — again, perhaps unintentionally — are cause for alarm because of their impacts on the nation’s Emergency Alert and warnings systems.

The U.S. broadcast radio system, including especially Class A AM stations, has been and continues to be the backbone of our nation's Emergency Alert System. Twenty-five Class A AM stations are designated by the Federal Government as Primary Entry Point stations, serving as the primary source of initial broadcasts of Presidential Emergency Alert Notifications directly from the White House Communications Agency. They are an integral part of the Integrated Public Alert and Warning System, coordinating and communicating emergency alert information among federal, state, territorial, American Indian and local public safety agencies. As a nation, we have invested substantial time and money to ensure that this system is hardened to withstand present and future threats.

One need not be a national security infrastructure expert to understand the critical and irreplaceable role radio plays in warning Americans all across the United States of impending natural disasters and assisting them in coping with their aftermath. According to a FEMA subject matter expert on alert and warning systems, including IPAWS, "Class A AM PEP stations are a unique resource ... [as] many are equipped to survive events ranging from solar flare to a man-made EMP event, either of which could damage the power grid or cripple many alternative information sources ..."

Whether it be Hurricanes Katrina or Sandy, devastating tornadoes in Oklahoma, Missouri, Alabama or Georgia, or the recent and tragic flooding in Houston, radio, especially the Class A stations, is on the air 24x7 providing life-saving information and guidance when no other media can reach the impacted areas. If these AM radio services become less available to listeners as the result of interference, it will create dangerous coverage gaps in that vital part of the emergency warning system. In this era of vastly increased terroristic threats, such emergency alerting and information providing capability has never been so critical.

UNTESTED PROPOSALS

Ironically, in the name of strengthening the AM radio service, these FCC proposals may cause it the most harm. By targeting Class A AM stations with particularly significant degradation, they hurt the very stations that attract and retain millions of AM listeners, serving as anchor stations in the same way a major department store, an "anchor" tenant, attracts shoppers to a mall. These are the stations that develop and produce some of the most popular and diverse programming available on AM radio and have the financial resources to promote innovation, attract and retain new talent, and provide the staples of news, weather, sports and entertainment upon which so many Americans rely, all for the cost of a radio receiver.

The tradeoff that the commission appears to be offering is strengthening lower-power and daytime AM radio stations. But this is a false tradeoff. Not only will it fail to yield its desired result of helping smaller stations, it will weaken the stations currently and historically supporting AM listenership, not to mention disenfranchise millions of AM listeners along the way. In fact, far more Class B, C and D stations are likely to be harmed by these proposals than will be helped because they, too, will be subject to new

interference. And if listeners are tuning away from the AM band altogether, the increased listenership these stations hope to attract would be quickly proven to be illusory.

The FCC took several prudent and reasonable steps to strengthen AM radio last year, especially by making it easier for AM stations to expand their listenership through access to FM translators. The commission should give those solutions time to work. There is absolutely no reason to rush ahead with untested proposals that could cause significant harm to our strongest AM stations, to our national alert infrastructure and to millions of AM listeners.

Comment on this or any story. Email radioworld@nbmedia.com with "AM revitalization" in the subject field.